

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**UNITED STATES OF AMERICA** : **Criminal No. 04-\_\_\_\_\_**

**v.** : **Date Filed: \_\_\_\_\_**

**JOSE PEREZ** : **Violations:**

: **21 U.S.C. § 841(a)(1) (possession with**

: **intent to distribute more than 5 grams of**

: **cocaine base ("crack") - 1 count)**

: **21 U.S.C. § 860(a) (possession with intent**

: **to distribute more than 5 grams of**

: **cocaine base ("crack") within 1000 feet of**

**a :** **school - 1 count)**

: **21 U.S.C. § 841(a)(1) (possession with**

: **intent to distribute heroin - 1 count)**

: **21 U.S.C. § 860(a) (possession with intent**

**to :** **distribute heroin within 1000 feet of a**

: **school - 1 count)**

: **18 U.S.C. § 924(c) (possession of a firearm**

: **in furtherance of a drug trafficking**

: **crime - 1 count)**

: **18 U.S.C. § 922(g)(1) (possession of a**

: **firearm by a convicted felon - 1 count)**

: **Notice of forfeiture**

**INDICTMENT**

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

On or about May 1, 2003, in Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**JOSE PEREZ**

knowingly and intentionally possessed with intent to distribute in excess of 5 grams, that is,  
approximately 27.1 grams, of a mixture or substance containing a detectable amount of cocaine

base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 1, 2003, in Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**JOSE PEREZ**

knowingly and intentionally possessed with intent to distribute in excess of 5 grams, that is, approximately 27.1 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, within 1000 feet of the real property comprising the Coqui Elementary School, a public elementary school, located at Thayer and Third Streets, Philadelphia, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

In violation of Title 21, United States Code, Section 860(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 1, 2003, in Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**JOSE PEREZ**

knowingly and intentionally possessed with intent to distribute a mixture or substance containing  
a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 1, 2003, in Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**JOSE PEREZ**

knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, within 1000 feet of the real property comprising the Coqui Elementary School, a public elementary school, located at Thayer and Third Streets, Philadelphia, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

In violation of Title 21, United States Code, Section 860(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 1, 2003, in Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**JOSE PEREZ**

knowingly possessed a firearm, that is, a .22 caliber High (HI) Standard, serial number 756834, loaded with 10 live rounds of ammunition, and a .38 caliber Sterling Arms, serial number G61240, loaded with 2 live rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute cocaine base ("crack") and heroin, in violation of Title 21, United States Code, Section 841(a)(1), and possession with intent to distribute cocaine base ("crack") and heroin within 1000 feet of an elementary school, in violation of Title 21 United States Code, Section 860(a).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 1, 2003, in Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**JOSE PEREZ,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a .22 caliber High (HI) Standard, serial number 756834, loaded with 10 live rounds of ammunition, and a .38 caliber Sterling Arms, serial number G61240, loaded with 2 live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF FORFEITURE**

As a result of the violations of Title 18, United States Code, Sections 924(c) and 922(g)(1), as set forth in this indictment, defendant

**JOSE PEREZ**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (a) a .22 caliber High (HI) Standard, serial number 756834, loaded with 10 live rounds of ammunition; and
- (b) a .38 caliber Sterling Arms, serial number G61240, loaded with 2 live rounds of ammunition

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

**GRAND JURY FOREPERSON**

**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY**